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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 NATALYA SHUVALOVA,

No. C -10-02159 JSC (EDL)

9 Plaintiff,

**ORDER**

10 v.

11 JOSEPH RICHARD CUNNINGHAM,

12 Defendant.  
13 \_\_\_\_\_/

14 On July 11, 2012, the Court set a settlement conference in this matter to take place on  
15 November 14, 2012. See Docket No. On October 25, 2012, Magistrate Judge Corley held a case  
16 management conference at which she continued the settlement conference and ordered that it take  
17 place by the end of January 2013. See Docket No. 112. On October 26, 2012, the Court continued  
18 the settlement conference to January 16, 2013. See Docket No. 113. According to the Court's  
19 October 26, 2012 Order, the parties were required to file settlement conference statements no later  
20 than January 7, 2013. Id.


21 On January 9, 2013, having not received Plaintiffs' settlement conference statement, the  
22 Court's law clerk called Plaintiffs' counsel and left a message reminding counsel of the date of the  
23 settlement conference and stating that the settlement conference statement was overdue. Plaintiff's  
24 counsel failed to return the Court's call. On January 15, 2013 at 2:44 p.m., Plaintiffs' counsel sent  
25 an email to the Court's courtroom deputy and opposing counsel, stating that: "There has apparently  
26 been some confusion or miscommunication between counsel as I believed that this settlement  
27 conference would be continued to another date, due to the fact that the parties have not yet  
28 completed discovery and the court has set a case management conference for January 17, 2013 to  
reset the Scheduling Order." Plaintiffs' counsel stated that she and her clients were not available on

1 January 16, 2013 for the settlement conference. Given Plaintiffs' email, the Court vacated the  
2 January 16, 2013 settlement conference.

3 The Court is troubled that Plaintiffs' counsel ignored the Court's courtesy call regarding the  
4 submission of a settlement conference statement, and finds counsel's statement that there was  
5 "confusion or miscommunication" puzzling in that the order setting the settlement conference was  
6 still in place. Further, the telephone call from the Court should have reemphasized that the  
7 settlement conference was going forward. The Court will defer the issue of how to address the  
8 violation of its order until after the continued settlement conference. The Court will contact the  
9 parties regarding a further date.

10 IT IS SO ORDERED.

11 Dated: January 16, 2013



ELIZABETH D. LAPORTE  
United States Magistrate Judge